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Leonard K. Peters
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Environmental Quality Commission

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Leonard K. Peters, Secretary
Energy and Environment Cabinet
Capital Plaza Tower
500 Mero Street, 5th Floor
Frankfort, KY 40601

October 2, 2008

Secretary Peters:

The Environmental Quality Commission (EQC) held a meeting on Sept. 25, 2008, in Frankfort. One of the agenda items was a discussion of the water quality standard regulations, also known as the triennial review regulations. Ms. Abigail Powell, Division of Water, briefed the EQC on the proposed administrative regulations. After careful review of the proposed regulations and the Statement of Consideration, the EQC recommends that the cabinet defer adoption of the regulations.

The EQC believes that given the intensity and number of public comments submitted for these regulations and the recent 6th Circuit Court of Appeals decision regarding antidegradation policies, the cabinet would best serve the Commonwealth by initiating further discussion with stakeholders. Additionally, a deferral could allow the Agency to respond to the U.S. EPA's response to the Court of Appeals decision.

Please contact me or Arnita Gadson, Executive Director of the EQC, with questions/comments. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott R. Smith".

Scott R. Smith, Chairman
Environmental Quality Commission

cc: Sandy Gruzesky, Director, Division of Water
R. Bruce Scott, Commissioner, Department for Environmental Protection
Arnita Gadson, Executive Director, Environmental Quality Commission